

REMARKS

Claim 1 has been amended to more particularly describe the invention, specifically that the alternating light and dark bars are radially segmented. This amendment is supported in the application in Figure 2 and is inherent feature of "bars" on a "concentric track" as described in the second full paragraph on page 6 of the application. Claims 10-14 have been cancelled. New claims 18 to 24 have been added. New claim 18 is claim 6 rewritten in independent form. New claim 19 is based on original claim 7 and depends upon claim 18. New claim 20 is based on a portion of claim 11(j) and depends upon claim 18. New claim 21 is based on claim 13 and depends on claim 18. New claim 22 is based on claim 14 and depends on claim 18. New claim 23 is based on claim 11(a) and depends on claim 18. New claim 24 is based on a portion of claim 11(b) and depends on claim 23. You will find enclosed a Marked Up Version Showing Changes Made. No new matter has been added by virtue of these amendments.

Applicant has amended the specification to specify that the venting means is formed of slots as shown in Fig. 2 and described in claim 9 of the original application. A marked up version of the relevant paragraph is enclosed. No new matter has been added by virtue of this amendment.

The Examiner rejected claims 1, 3-5, 10 and 12-under 35 U.S.C. section 103(a) as being unpatentable over Puleo, U.S. Patent No. 6,431,740 in view of Oster, U.S. Patent No. 3,536,908, and in further view of Wang, U.S. Patent No. 6,039,453. Puleo discloses a fiber optic tree and an assembly with a color wheel that lights a top portion and bottom portions. Oster discloses a fiber optic lighting assembly having a turntable with two concentric rings of segmented color bars. Wang discloses a lighted water globe with an effects wheel.

Specifically the Examiner claims that it would have been obvious to one skilled in the art to combine the fiber optic tree of Puleo with the turntable of Oster and the effects wheel of Wang.

Applicant's amended claim 1 requires the light governing disk to have a concentric track of color bars and a concentric track of radially segmented light and dark bars. The color bars create a color changing effect while the light and dark bars create a blinking effect. Applicant's device is thus advantageous over the prior art in that the dark and light color bars create a blinking effect simultaneous to the color changing effect. Oster does disclose multiple concentric rings, but these rings are limited only to segments of different colors without a blinking effect. (Oster, Col. 2, ll: 59-66). Wang does not use concentric rings, but rather divides a circle much like a pie chart wherein some pie pieces are of different colors and other pie pieces have V-shaped bars. The V-shaped bars of Wang are shown in Fig. 5 of Wang to be formed of inscribed angles. That is, the V-shapes of Wang are nested from the center of the circle to the outside at non-radial angles. Due to this feature, Wang cannot support alternating light and dark bars on a concentric track because the V-shape can support **only one** radial segment and not alternating segments. Wang thus fails to teach the radially segmented light and dark bars. The Examiner has further failed to find any motivation to combine Wang with Oster and Applicant respectively notes that motivation cannot be found as Wang's V-shaped bars offer no advantage to a wheel with concentric rings. For this reason, it is believed that claim 1 is patentable over the prior art and in condition of allowance. As claims 3-9 are dependent upon claims 1, it is respectively believed that these claims are also in condition for allowance.

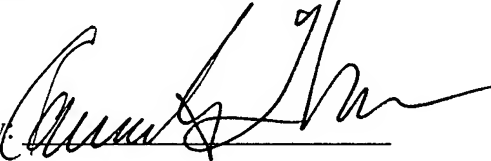
Applicant acknowledges the allowance of claims 15 and 17. Applicant further acknowledges that the Examiner has objected to claims 6, 7, and 11 but has indicated that these claims would be in condition for allowance if written in independent form. Claim 6 has been rewritten in independent form as new claim 18 with new dependent claims 19-24 dependent on claim 18.

The Applicant respectfully requests these claims and the application as a whole be reconsidered and suggests that the application is now in condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number No. 50-3021 belonging to Brown Winick Law Firm.

Respectfully submitted,

By: 

Camille L. Urban - Reg. No. 46,948
G. Brian Pingel - Reg. No. 26,216
Brown, Winick, Graves, Gross
Baskerville & Schoenebaum, P.L.C.
4500 Westown Pkwy Ste 277
West Des Moines, IA 50266-6717
Telephone: 515/242-2400
Facsimile: 515/242-2448

ATTORNEYS FOR APPLICANT